

**REMARKS/ARGUMENTS**

Claims 23-31 were pending in the present application. The present response amends claims 25, 27, 28, and 31, and adds new claims 33-36, leaving pending in the application claims 23-31 and 33-36. Reconsideration of the rejected claims and consideration of the newly presented claims is respectfully requested.

**I. Objection to the Claims**

Claims 25 and 31 are objected to for various informalities. Particularly, claims 25 and 31 are objected to for “grammatical disagreement” (OA p. 2). Claims 25 and 31 have been amended for purposes of clarity, and as amended should contain sufficient grammatical agreement. Applicants therefore respectfully request that the objection to claims 25 and 31 be withdrawn.

**II. Rejection under 35 U.S.C. §112**

Claims 27, 28, and 31 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 27 and 28 are rejected as having an unclear scope for reciting “some permutation” of plate thickness ratios. Although Applicants do not necessarily agree that such limitations are not supported by the specification, claims 27 and 28 have been amended to delete the reference to permutation of the ratios in order to expedite issuance of the pending claims. Applicants therefore respectfully request that the rejection with respect to claims 27 and 28 be withdrawn.

Claim 31 is rejected as lacking proper antecedent basis for the limitation “fundamental retardance frequency” (OA p. 3). Claim 31 has been amended to assure correct antecedent basis for the recited limitation. Applicants therefore respectfully request that the rejection with respect to claim 31 be withdrawn.

**III. Rejection under 35 U.S.C. §102**

Claims 23, 24, and 26 are rejected under 35 U.S.C. §102(b) as being anticipated by *Title* (US 4,129,357). Claim 23 recites “A depolarizer with more than two birefringent plates.” Such a depolarizer is not disclosed by *Title*.

*Title* is cited for disclosing cascaded modules 31 and 32 in Figure 2. These modules, however, do not form a depolarizer as required by Applicants' claim 23. These modules act as a filter for "increasing the wavelength separation" of wavelengths passed by the filter. The filter accomplishes "variable tuning" by utilizing stationary "perfect polarizers at the entrance and exit of each of modules 31 and 32," and each module "includes a pair of birefringent crystals, between which is sandwiched a partial polarizer" (col. 5, line 24-col. 6, line 9). Further, "quarter wave plates 51-54 are located immediately upstream and downstream of the first and second birefringent crystals of each module" (col. 6, lines 2-9). These quarter wave plates "convert linearly polarized waves into optically polarized waves and vice versa, depending upon whether the quarter wave plates are upstream or downstream of the birefringent crystals" (col. 6, lines 19-23). Therefore, *Title* does not teach a depolarizer at all but instead teaches a birefringent filter that relies on the polarization for filtering. The filtering device of *Title* would not function as a birefringent filter if the light were in fact depolarized. As *Title* does not disclose a depolarizer as required by Applicants' claim 23, *Title* cannot anticipate claim 23. Claims 24 and 26 depend from claim 23 and also are not anticipated. Applicants therefore respectfully request that the rejection with respect to claim 23, 24, and 26 be withdrawn.

#### IV. Rejections under 35 U.S.C. §103

Claims 25, 27, and 28 are rejected under 35 U.S.C. §103(a) as being obvious over *Title*. Claims 25, 27, and 28 depend from claim 23. As discussed above, Applicants' claim 23 recites "A depolarizer with more than two birefringent plates." Such a depolarizer is neither taught nor suggested by *Title*. As discussed above, *Title* does not teach a broadband depolarizer but instead teaches a filter that relies upon the polarization of the radiation being filtered. The device of *Title* does not depolarize light as required by claim 23, and depolarized light would not work with the system of *Title*. As such, *Title* cannot render Applicants' claim 23 obvious. As claims 25, 27, and 28 depend from claim 23, neither are these claims rendered obvious. Applicants therefore respectfully request that the rejection with respect to claims 25, 27, and 28 be withdrawn.

Claims 29-31 are rejected under 35 U.S.C. §103(a) as being obvious over *Title* in view of *Yeh* (US 4,129,357). *Yeh* is cited as disclosing "an electro-optic tunable fiber having electro-

optical plates” (OA p. 7). Such disclosure would not make up for the deficiencies in *Title* with respect to claims 29-31.

Claims 29 and 30 depend from claim 23. As discussed above, claim 23 is not rendered obvious by *Title*, as *Title* fails to teach or suggest a depolarizer as required by claim 23. *Yeh* does not make up for the deficiencies in *Title* with respect to claim 23, as *Yeh* also fails to teach or suggest such a depolarizer. Combining the teachings of *Yeh* and *Title* would not result in a depolarizer as recited in Applicants’ claim 23. Claim 23 therefore cannot be rendered obvious by *Title* and *Yeh*, either alone or in combination. As claims 29 and 30 depend from claim 23, neither are these claims rendered obvious. Applicants therefore respectfully request that the rejection with respect to claims 29 and 30 be withdrawn.

Claim 31 requires “A depolarizer with 3 plates.” As discussed above with respect to claim 23, neither *Title* nor *Yeh* teach or suggest such a depolarizer, either alone or in combination. As such, claim 31 cannot be rendered obvious by *Title* and *Yeh*. Applicants therefore respectfully request that the rejection with respect to claim 31 be withdrawn.

#### **V. Amendment to the Claims**

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter to the specification.

#### **VI. Newly Presented Claims**

Claims 33-36 have been added to cover different aspects of the present invention. Support for the additional limitations can be found, for example, at page 30, line 17-page 31, line 3 and page 32, lines 18-27 of the specification as filed. As such, these claims are supported by the specification and do not add new matter. Applicants therefore respectfully request consideration of newly presented claims 33-34.

**VII. Conclusion**

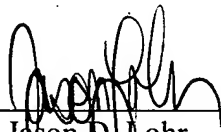
In view of the above, it is respectfully submitted that the application is now in condition for allowance. Reconsideration of the pending claims and a notice of allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-1703, under Order No. TWI-30900. **A duplicate copy of the transmittal cover sheet attached to this Response to Office Action Mailed December 24, 2003, is provided herewith.**

Respectfully submitted,

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